

CITY OF ALAMO HEIGHTS
CITY COUNCIL
March 24, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, March 24, 2008.

Present and composing a quorum were:

Mayor Pro-Tempore Bobby Rosenthal

Councilman Stan McCormick

Councilwoman Jill Souter

Councilman Bill Kiel

Councilwoman Susan Harwell

Absent:

Mayor Louis Cooper

Also attending were:

City Manager Rebecca Waldman

City Attorney Mike Brenan

Assistant to City Manager/Information Technology Manager Marian Ramirez

Finance Director Cynthia Barr

Human Resource Manager/Deputy City Secretary Judith E. Surratt

City Secretary Denise M. Silva

Public Works Director Shawn P. Eddy

Police Chief Rick Pruitt

Interim Fire Chief/EMS Administrator Bill Woodward

Community Development Manager Jack Guerra

Temporary Assistant Leticia M. Callanen

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Mayor Pro-Tempore Bobby Rosenthal called the meeting to order at 5:35 p.m.

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Mayor Pro-Tempore Bobby Rosenthal asked City Council for any corrections to the minutes of the March 10, 2008, City Council Meeting. A motion was made by Councilman Stan McCormick to approve the minutes of the March 10, 2008 meeting. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

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City Manager's Report - There was none.

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Citizens To Be Heard Concerning Non-Agenda Items

Ms. Margaret Houston, 140 Patterson, expressed her appreciation for City Manager Rebecca Waldman and Assistant to the City Manager Marian Ramirez for including a recent book signing event in the City's newsletter. Ms. Houston also relayed to Council a recent positive experience with the City's Police Department's dispatch unit.

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Staff Reports

Item # 3

Interim Fire Chief William Woodward provided a brief introduction of two recently promoted Fire Department employees. He introduced Matthew Fellows who has been with the department since 1990 and was promoted to Captain in December, 2007. Interim Chief Woodward also introduced Jeffrey Keuper, a member of the department since 1999, who has been promoted to Lieutenant, effective March 24, 2008.

Item #4

Interim Fire Chief Woodward presented information regarding a February 27, 2008 event hosted by the Baptist HealthCare Systems in recognition of Alamo Heights Fire/EMS as one of the EMS Systems participating in the Heart Alert program, and for being one of the four (4) original EMS Systems to have the capability to transmit 12-Lead ECGs remotely from the field to the hospitals. Interim Chief Woodward explained the program's background and discussed the paradigm shift in emergency cardiac care resulting from this program and the use of equipment purchased by the department that transmits hospital-quality test results to the receiving hospital prior to the patient's arrival.

Council members expressed their appreciation for Interim Chief Woodward's initiative in securing the necessary funds to purchase the equipment and to the department's team approach of proactively addressing the critical nature of cardiac emergencies by participating in the program.

Item #5

Cynthia Barr, Finance Director, provided a review of the status of revenues and expenses for the City of Alamo Heights' third quarter ending December 31, 2007, indicating the City continues to maintain a strong financial position for the third quarter and is within its planned budget for FY 2008. A copy of this presentation is made part of the official papers of this meeting.

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Consent Items

Item #6 Mayor Pro-Tempore Rosenthal read the following caption.

ORDINANCE NO. 1760
AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE
MAY 10, 2008, GENERAL ELECTION ELECTED TO OFFICE;
CANCELING THE ELECTION; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Councilman Stan McCormick to approve the proposed Ordinance. Motion was seconded by Councilwoman Jill Souter and passed by unanimous vote.

Item #7 Mayor Pro-Tempore Rosenthal read the following caption.

ORDINANCE NO. 1761
AN ORDINANCE EXTENDING THE PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY AND THE CITY ATTORNEY.

A motion was made by Councilman Stan McCormick to approve the proposed Ordinance authorizing an amendment to and extension of a contract with Michael S. Brennan, as City Attorney, for legal services on behalf of the City, providing for an additional one-year term, which contains a provision providing for automatic renewals of the agreement for additional one (1) month terms. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

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Items for Individual Consideration.

At this time, Mayor Pro-Tempore Bobby Rosenthal moved to item number #10 on the Individual Consideration portion of the agenda. Mayor Pro-Tempore noted for the record that a few Council Members are members of the Argyle Club, and have conferred with the City Attorney to determine that there is not a conflict with them voting on this item.

Item #10 Consideration of Architectural Review Board Case No. 295, submitted by the Southwest Foundation for Research, represented by Pat Chumney, architect, requesting approval of the revised design of the Olmos Drive wall and landscape plan at 820 Patterson for the Argyle.

Mr. Jack Guerra, Community Development Manager, informed City Council that Mr. Pat Chumney was not able to be present at the meeting, but that Mr. Jim Ellis, Board Member, Southwest Foundation for Research, was present and available to answer questions. Mr. Guerra presented a PowerPoint presentation that provided an overview of the case and stated that the case was approved by City Council on February 25, 2008 with the condition that the Architectural Review Board and City Council review and approve a revised design of the Olmos Drive wall with fully developed elevations of the wall, wall section and a fully developed landscaped plan. Mr. Guerra reviewed the revised site plans and landscape plans, highlighting the changes made in materials to be used, the change to the setback of the new wall in relation to the existing Olmos Drive wall, and the revised

landscaping of the wall on both sides. Mr. Guerra advised Council that staff recommended approval of ARB Case 295.

In response to Councilwoman Harwell, Mr. Guerra clarified that the second tiered wall shown on the elevation diagram does not currently exist and also explained that fill would need to be used to level off the existing slope to accommodate the proposed parking lot.

Ms. Margaret Spencer, 140 Patterson, asked a question related to the existing rock fence and proposed planting and landscaping plan.

Council discussion took place with regard to the design change to the new wall, associated landscaping and onsite equipment staging and parking considerations. Staff made note of Council's concern with potential off-site parking by construction crews and will relay those concerns to the applicant.

A motion was made by Councilman Bill Kiel to approve ARB Case No. 295. Motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

Item #8 Mayor Pro-Tempore Rosenthal read the following caption.

ORDINANCE NO. 1762
AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT
OF THE CITY OF ALAMO HEIGHTS THROUGH SEPTEMBER 30,
2008 AND ADOPTING AN EXTENDED BUDGET OF THE CITY OF
ALAMO HEIGHTS THROUGH SEPTEMBER 30, 2008.

Ms. Cynthia Barr, Finance Director, provided a brief review of the proposed action to adopt an extended budget, which was previously presented for discussion to City Council on March 10, 2008 and to the Accountability and Management Committee on March 6, 2008. A copy of this presentation is made part of the official papers of this meeting. Ms. Barr concluded her presentation by stating that the City continues to maintain a strong financial position in both the General Fund and Utility Fund and adoption of this extended budget will provide the financial guidance and support for staff to complete the City Council's priority projects. Ms. Barr stated that staff recommended approval of the proposed Ordinance.

A motion was made by Councilwoman Jill Souter to approve the Ordinance as presented. Motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

Item #9 Mayor Pro-Tempore Rosenthal read the following caption.

ORDINANCE NO. 1763
AN ORDINANCE AUTHORIZING THE INSTALLATION OF RESIN
SLEEVES WITHIN STORMWATER LINES IN CERTAIN
LOCATIONS FOR A COST NOT TO EXCEED \$335,000.00.

Mr. Shawn Eddy, Public Works Director, provided a PowerPoint presentation outlining staff's recommendation to approve an ordinance authorizing an expenditure not to exceed \$335,000 from the Unreserved General Fund for the installation of resin sleeves within deteriorating 24" and 36" stormwater lines along Patterson Avenue near Lagos Avenue and from Normandy Avenue to Ogden Lane between Columbine Street and Arbutus Street by Insituform Technologies, Inc. A copy of this presentation is made part of the official papers of this meeting.

Mr. Eddy expressed his confidence with the company selected through the Texas State Purchasing Cooperative. Mr. Eddy informed Council that Freese and Nichols, Inc., the city's engineering firm for the Capital Improvement Program, had reviewed the proposal provided by Insituform Technologies, Inc. and had reported that the system was an excellent option of renovation. Mr. Eddy stated staff recommended approval of the proposed Ordinance authorizing the work to be conducted by the proposed company.

Mr. Eddy explained the reason for the repair to the stormwater lines and the method used by Insituform to permanently repair the lines by using resin sleeve technology to reconstruct the lines in place, without having to dig up the existing lines. Mr. Eddy stated that this item was presented to and approved by the Infrastructure Services Council Committee on February 20, 2008.

In response to City Council questions, Mr. Eddy stated that this technology is used by the City of San Antonio and San Antonio Water Systems (SAWS). Mr. Eddy looked at alternatives to this approach which he noted are time intensive and more costly and also discussed affected laterals.

Councilman McCormick expressed his comfort in knowing that this unexpected issue was discussed by committee.

In response to a question from Councilwoman Souter, Mr. Eddy stated that work for a particular section should be done within 30-60 days depending on weather conditions since water cannot be present in the lines when the work is being done.

Councilman Kiel expressed his gratitude to staff for bringing this item forward to the Committee for consideration before the situation with the lines worsened. Mr. Eddy noted that if the lines broke apart, the City would not have the option of inserting the sleeves and would have to replace the lines at a much higher cost.

After brief Council discussion, Councilwoman Susan Harwell made a motion to approve the Ordinance. Motion was seconded by Bill Kiel and passed by unanimous vote.

Item #11 At this time, Mayor Pro-Tempore Bobby Rosenthal moved to item number #11 on the Individual Consideration portion of the agenda.

Consideration of a request for a Demolition Permit and of Architectural Review Board Case No. 286 for 121 Marcia Place, a property zoned Multi-Family D, request submitted by W. Kyle Bebee, represented by Joe Smith, Architect

- a) Request for a Demolition Permit to demolish the existing one-story house and one-story detached garage for the purpose of constructing new two-story four-unit condominium with attached garages
- b) Architectural Review Board Case No. 286 – Recommendation to approve the design of a new four-unit condominium with attached garages

Mr. Jack Guerra, Community Development Manager, explained that this request was first presented as a demolition request case by the previous owner and, since then, the previous owner did not move forward with the demolition, sold the property and now this case is being brought forward by the new owners of the property. Mr. Guerra stated that this case has gone through the Architectural Review Board process. Mr. Guerra continued by reviewing a PowerPoint presentation that outlined the applicant's request to demolish the existing structures in order to construct a new two-story multi-family (four-unit) condominiums with garages in the lower basement level. Mr. Guerra stated staff recommended approval of the demolition permit and ARB Case No. 286. A copy of this presentation is made part of the official papers of this meeting.

Mr. Guerra responded to Council questions regarding the number of units that could be allowed under Multi-Family-D zoning which could be up to 5 units with consideration to parking space needs.

Discussion ensued related to lot coverage and the formula used to calculate this number and difference between this number and impervious cover percentages.

In response to a question from Councilman Bill Kiel, Mr. Guerra explained that the developer has re-graded the land to make the basement qualify as a basement instead of an additional story of the structure and that this issue was thoroughly discussed by the Architectural Review Committee (ARB). Mr. Guerra clarified that the units would be sold as opposed to being leased.

Mr. Robert Renner, Civil Engineer, 8620 N. New Braunfels, Ste. 544, briefly informed City Council of the findings of the drainage report and clarified that the report does not take into account the impact of impervious cover or minimized runoff resulting from the use of grass pavers, but overall, the project has no significant impact to the watershed.

Further Council discussion ensued related to the percentages and direction of water drainage flows caused by the new development, relative to a 100-year rain event.

In response to City Council questions, Mr. Joe Smith, project architect, 1633 Broadway, briefly discussed the drainage on the property and confirmed that only one tree would be removed from the site.

Mr. Renner and other project representatives discussed the drainage and irrigation techniques to be employed on the site and stated that the amount of runoff may be reduced to the rear.

At this time, Mayor Pro-Tempore Bobby Rosenthal recognized a citizen who signed up to speak to this agenda item.

Ms. Janet McPheeters, 123 Marcia Place, Apt. 1, expressed her concerns with a rodent problem at her four-plex building, suggesting that it could be a result of the condition of the back yard of the 121 Marcia Place property. She requested that the owner clear the overgrown grass and brush.

Mr. Kyle Bebee, owner of the property, discussed how he acquired the property and the process of obtaining a demolition permit that would have allowed him to address the issue by taking down the existing garage structure at the rear of the property. He further acknowledged that he had taken care of mowing the front of the property and would assist in addressing the issue raised by the citizen.

Mr. Guerra clarified the chronology of events related to the original demolition permit and the present request and explained that the previous permit was non-transferable when the property ownership changed, resulting in the need for the new owners to obtain a demolition permit and approval of the design of the new structure.

After further discussion and in response to concerns voiced by Councilman Stan McCormick and Councilwoman Susan Harwell, Mr. Bebee stated that he would take care of the brush removal. Mr. Nathan Watkins, representing the development party, stated that that they are not local but would make every effort to have the brush removed immediately.

In response to a question from Councilwoman Souter related to maintaining property, City Attorney Mike Brennan confirmed that there is an Ordinance regulating the maintenance of property in that grass, trees, rubbish or growth must not be higher than 6 inches.

Further Council discussion ensued related to the change in grade of the property, retaining walls, the visibility of the garages and the overall impact these features would have on drainage.

Mr. Smith responded to Council's concerns by explaining the flow of water from the property onto Marcia Place and to the back of the property and confirmed that there would not be pooling or ponding associated with the design. He also discussed the changes made to their original façade design in order to better meet with the character of the neighborhood.

Mr. Renner further explained the change in velocity of any additional water flowing from the property and stated that there would not be a significant change to the current flow pattern through use of the retaining walls.

Extensive discussion took place regarding the elevation, and the distinction between a basement and an additional story and staff verified that the proposed design complies with the standards within the City's zoning code related to basements.

Councilwoman Jill Souter expressed her concerns with regard to altering grade and how it relates to recommendations made by the San Antonio River Authority (SARA) and the Corp of Engineers. Ms. Souter also expressed concern on the need to review City Ordinances and make certain that future projects do not impact our watershed.

Councilwoman Harwell asked Mr. Bebee if he had met with the neighbors about the project. Mr. Bebee responded that he held two community meetings and did not receive any negative comments about the project.

Discussion took place regarding the height calculations and guest parking considerations. Clarification was provided to indicate that the units were being constructed as designed and would not be tailored to a buyer's request, which would require Council's approval.

After further discussion, a motion was made by Councilwoman Jill Souter to approve the demolition permit. Motion was seconded by Councilman Stan McCormick and the motion passed by unanimous vote.

Councilman Bill Kiel stated for the record the reasons he agreed to the design, expressed his support of the drainage plan, but noted his concern with possibility of a loophole allowing a three-story residential structure. Mr. Kiel suggested that this model be reviewed by the Neighborhood Character Committee and commented that the Multi-Family code may need to be revised.

Councilwoman Souter also voiced her concerns with altered grading on this project.

Councilwoman Harwell reminded the developer the project is in an established neighborhood, there are City regulations concerning hours of construction and asked that the developer be considerate of the neighbors during construction.

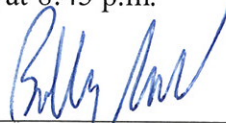
After further discussion, a motion was made by Councilman Bill Kiel to approve ARB Case No. 286. Motion was seconded by Councilman Stan McCormick with a friendly amendment relating to a condition to require soft directional exterior lighting. The motion passed by unanimous vote.

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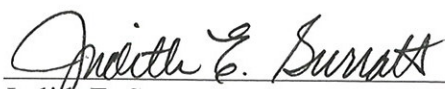
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A motion was made by Councilman Stan McCormick to adjourn the meeting. Motion was seconded by Councilwoman Jill Souter and passed by unanimous vote. Mayor Pro-Tempore Bobby Rosenthal adjourned the meeting at 8:45 p.m.



Bobby Rosenthal
Mayor Pro-Tempore



Judith E. Surratt
Deputy City Secretary